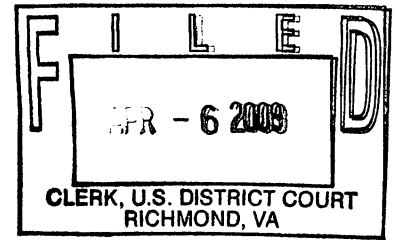


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**TONEY A. PERRY,**

Petitioner,

v.

Civil Action No. **3:08CV833**

**EDDIE L. PEARSON,**

Respondent.

**MEMORANDUM OPINION**

Petitioner, a Virginia inmate proceeding *pro se*, submitted a 28 U.S.C. § 2254 petition. In the United States District Court for the Eastern District of Virginia, all *pro se* petitions for writs of habeas corpora must be filed on a set of standardized forms. *See* E.D. Va. Loc. Civ. R. 83.4(A). Petitioner's 28 U.S.C. § 2254 petition was not filed on the appropriate standardized form. On February 20, 2009, the Clerk mailed to Petitioner the standardized form for filing a § 2254 petition. By Memorandum Order entered on February 20, 2009, the Court directed Petitioner to complete and return the form within fifteen (15) days of the date of entry thereof. The Court warned Petitioner that the failure to complete and return the form in a timely manner would result in dismissal of the action. *See* Fed. R. Civ. P. 41(b). More than fifteen (15) days have elapsed since the entry of the February 20, 2009 Memorandum Order, and Petitioner has not completed and returned the standardized form. Accordingly, the action will be **DISMISSED WITHOUT PREJUDICE** for failure to comply with the Order of the Court.

An appropriate Order shall issue.

Dated: 4-6-09  
Richmond, Virginia

/s/  
**James R. Spencer**  
**Chief United States District Judge**